

REQUEST FOR AN EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4(c), the Air Resources Board (ARB or Board) requests that the Office of Administrative Law (OAL) prescribe an "earlier effective date" for the amendments to the Regulations for Fuel Sulfur and Other Operational Requirements for Ocean-Going Vessels Within California Waters and 24 Nautical Miles of the California Baseline (OGV Clean Fuel Regulation) that were considered by the Board at a June 23, 2011 public hearing. ARB believes the following demonstrates "good cause" for OAL to prescribe an earlier effective date – i.e., an effective date to coincide with the filing of the regulations with the Secretary of State.

DEMONSTRATION OF GOOD CAUSE

In this rulemaking, pursuant to the Board's direction, the Executive Officer subsequently adopted amendments to the Ocean-Going Vessel Clean Fuel Regulation to adjust the offshore regulatory boundary for the clean fuel zone, defined as Regulated California Waters, in Southern California. These changes will remove an incentive vessels may currently have to avoid Regulated California Waters by traversing the United States Navy's Point Mugu Sea Range and they will therefore help ensure that the regulation achieves the full anticipated emission reductions. An early effective date will encourage vessels to return to their established shipping lanes and achieve these emission reductions sooner.

In addition, the amendments help facilitate a successful transition to very low sulfur fuels by aligning implementation dates more closely with recently approved federal requirements. Without implementation of the amendments, a scheduled drop in sulfur content in the required fuel is scheduled to occur on January 1, 2012. In the amendments, this date is delayed until January 1, 2014. An early effective date will help ensure that the fuel requirements are delayed until January 1, 2014.

For these reasons, ARB hereby requests that OAL approve an earlier effective date, coinciding with submittal to the Secretary of State.

Date: September 15, 2011

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Alex Wang
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